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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,803	02/27/2002	Michael J. Bauhof	AD 6791 US NA	8026

23906 7590 08/17/2004

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WILMINGTON, DE 19805

EXAMINER
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COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,803	BAUHOFF, MICHAEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lori L. Coletta	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 July 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 20 January 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

**The finality of the last office action is withdrawn.**

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, “plastic support members *and/or* plastic rib supports” (line 2) and “at least one support member therealong *and/or* wherein at least one rib support” (lines 5 and 6) is not clear. It is unclear what is positively recited by the “*and/or*”. Does “*or/and*” mean: “plastic support members and plastic ribs supports” OR “plastic support member or plastic rib supports”? Does “*and/or*” mean: “at least one support member therealong and wherein at least one rib support” OR “at least one support member therealong or wherein at least one rib support”? *See same deficiency in claim 5.*

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Girardot et al. 5,658,041.

The Examiner takes the position that “**and/or**” in claims 1 and 5 means: “plastic support member **or** plastic rib supports” and “at least one support member therealong **or** wherein at least one rib support”.

Regarding claim 1, Girardot et al. ‘041 discloses an integral structure comprising a metal surface (1 and 17) and plastic support members (2); wherein said metal surface comprises at least one edge portion formed at least in part with a serrated pattern (18) sufficient to secure at least one support member therealong in Figures 1 and 7.

Regarding claim 2, Girardot et al. ‘041 discloses the integral structure further comprising ribs (notch in 8 and the area in front of 3) in Figure 1.

Regarding claim 3, Girardot et al. ‘041 discloses the integral structure wherein said metal surface (17) has an aperture formed therein in Figure 1.

Regarding claim 4, Girardot et al. ‘041 discloses the integral structure wherein said plastic support members (2) and ribs are made of polyamide (column 4, lines 28-35).

Regarding claim 5, Girardot et al. ‘041 discloses an article comprising a metal surface (1 and 17) and plastic support members (2); wherein said metal surface comprises at least one edge portion formed at least in part with a serrated pattern (18) sufficient to secure at least one support member therealong in Figures 1 and 7.

Regarding claim 6, Girardot et al. ‘041 discloses the article in the form of a front end module.

Regarding claim 7, Girardot et al. '041 discloses the integral structure, wherein the metal surface comprises at least one edge portion formed at least in part with an undulating surface and a bend in Figure 10.

***Response to Arguments***

5. Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive.

Regarding claims 1 and 5, Girardot et al. '041 discloses a metal surface (17) comprises at least one edge portion formed at least in part with a serrated pattern (18) sufficient to secure at least one support member therealong in Figures 1 and 7.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lori L Coletta*

Lori L. Coletta

Primary Examiner

Art Unit 3612

llc

August 13, 2004